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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

|                           |   |                                |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, | ) | CR. S-04-019 MCE               |
|                           | ) |                                |
| Plaintiff,                | ) | STIPULATION AND ORDER VACATING |
|                           | ) | TRIAL DATE AND EXCLUDING TIME  |
|                           | ) | UNDER THE SPEEDY TRIAL ACT     |
| v.                        | ) |                                |
|                           | ) |                                |
| RODNEY BUTLER,            | ) |                                |
|                           | ) |                                |
| Defendant.                | ) |                                |
| _____                     | ) |                                |

On March 27, 2006, the parties stipulated and agreed that the trial of the captioned matter should commence on September 27, 2006 at 9:00 a.m with trial confirmation hearing set for August 15, 2006 at 11:00 a.m.

Defense counsel has reviewed the voluminous discovery in this case. It appears now that the case will resolve short of trial. Defense counsel needs additional time to review the terms of the government's plea offer with his client and to conduct additional investigation that will be necessary for resolution of the case.

The parties request and stipulate that the current trial date be vacated and that the matter be set for status conference/change of plea on October 3, 2006 at 8:30 a.m.

1 The parties further stipulate and request that time be excluded  
2 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv), for  
3 continuity of counsel and time for counsel to prepare (Local Code  
4 T4) from September 27, 2006 to October 3, 2006.

5 McGREGOR W. SCOTT  
6 United States Attorney


7 DATED: August 8, 2006

By /s/ Mary L. Grad  
8 MARY L. GRAD  
Assistant U.S. Attorney

9 /S/ David M. Dudley  
10 DAVID M. DUDLEY  
Counsel for Rodney Butler

11 IT IS SO ORDERED.  
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14 DATED: August 11, 2006

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17 MORRISON C. ENGLAND, JR.  
18 UNITED STATES DISTRICT JUDGE  
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